

**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**E.K., individually; and E. K. by and  
through her next friend and mother,  
Amy Atkins,**

**Plaintiffs,**

**CIVIL ACTION NO.  
3:07-CV-1083-MHT**

**v.**

**CHILD DEVELOPMENT SCHOOLS,  
NC., d/b/a CHILDCARE NETWORK,**

**Defendants.**

**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Federal Rules of Civil Procedure 26(f), a meeting was held on January 2, 2008 between:

(a) Jerry D. Roberson, Esq., Roberson & Roberson, 3765 Kinross Drive, P.O. Box 380487, Birmingham, Alabama 35238, Telephone: (205) 981-3906, on behalf of the Plaintiffs; and

(b) Keith J. Pflaum, Porterfield, Harper, Mills & Motlow, P.A., 22 Inverness Center Parkway, Suite 600, P.O. Box 530790, Birmingham, AL 35253-0790; Telephone: (205) 980-5000, on behalf of the Defendant.

2. Pre-Discovery Disclosures. The parties will exchange by **February 1, 2008**, the information required by Rule 26.1(a)(1).

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan. The parties reserve the right to object to discovery when made.

a. Discovery will be needed by Plaintiffs on the following

subjects: all substantive claims and defenses.

b. Discovery will be needed by Defendant on the following

subjects: all substantive claims and defenses.

c. All discovery should be commenced in time to be completed by **October 3, 2008.**

d. Maximum of 40 interrogatories and 40 requests for production and responses thereto due 30 days after service unless extended by agreement of the party propounding the interrogatories or requests for production.

e. Maximum of 25 requests for admission by each party to any other party, and responses thereto due 30 days after service unless extended by agreement of the party propounding the requests.

f. Maximum of 10 depositions by Plaintiff and a Maximum of 10 depositions by Defendant.

g. Each deposition shall be limited to a maximum of 8 hours unless extended by agreement of the parties.

h. Reports from retained experts under Rule 26(a)(2) due:

i. From Plaintiff by **June 2, 2008.**

ii. From Defendant by **August 1, 2008.**

I. Supplementation under Rule 26(e) is due at least 30 days before the end of the discovery period.

4. **Other items.**

a. The parties do not request a conference with the Court before entry

of the scheduling order.

- b. The parties request a pretrial conference in **November 2008.**
- c. Plaintiffs should be allowed until **March 7, 2008** to join additional parties and to amend the pleadings.
- d. Defendant should be allowed until **April 4, 2008** to join additional parties and to amend the pleadings.
- e. All potentially dispositive motions should be filed by **September 8, 2008.**
- f. Settlement cannot be realistically evaluated prior to **June 16, 2008.**
- g. Final list of trial evidence (both witness and exhibits) under Rule 26(a)(3) should be due from the Plaintiff and the Defendant 30 days prior to the trial date.
- h. The parties shall have 14 days after service of final lists of trial evidence to list objections under Rule 26(a)(3).
- i. The case should be ready for trial on **December 1, 2008** and at this time is expected to take approximately 2 to 3 days to try.

Respectfully submitted,

s/Jerry Roberson  
Jerry Roberson (ROB010)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of January, 2008, I served a copy of the foregoing document upon counsel of record either through the **CM/ECF system**, via facsimile or by placing a copy of the same in the United States Mail, first class postage prepaid and addressed as follows:

Keith J. Pflaum  
Bar Number: ASB-3002-A54K  
Attorney for Defendant, Child Development  
Schools, Inc. d/b/a Childcare Network  
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s/Jerry Roberson